

Q1
x is selected from the group consisting of 16, 17, 18, 19, 20, 21, 22, 24, 25, 35, 52, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 246, 250, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, and 263; and

y is selected from the group consisting of 365, 366, 367, 368, 369, and 370.

REMARKS

Entry of the above amendments is requested. Claims 13-20 are now in the case. Claim 13 has been amended to cancel non-elected subject matter. Non-elected claims 1-12 and 21-23 have been canceled in response to the restriction requirement. These claim amendments and cancellations have not been made for reasons related to patentability. Indeed, no claim has been rejected or objected to. Applicants reserve the right to prosecute claims drawn to cancelled subject matter in one or more continuing applications.

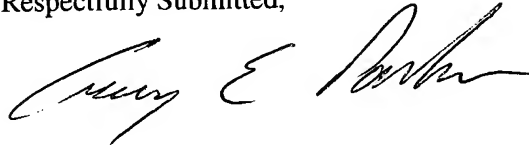
A marked-up version of amended claim 13 is included as an appendix.

In response to the Office Action dated December 24, 2002, Applicants elect Group III, claims 13 in part and 14-20.

Applicants further elect the species $x=250$ and $y=370$. Applicants understand the requirement for election of species to be a requirement for purposes of initial examination as set forth in MPEP 803.02. Claim 13 is a Markush-type claim reciting a genus of proteins. The members of that genus, although deemed to be patentably distinct, share both a common utility and a substantial structural feature disclosed as being essential to that utility. Hence, unity of invention exists. MPEP 803.02. More specifically, the species recited in claim 13 share the common utility of enhancing proliferation or survival of kidney tubule epithelial cells or epithelial cell precursors. Each species includes amino acid residues 263-365 of SEQ ID NO:2. These residues define the minimum limits of the active growth factor domain of zveg4 as disclosed in Applicants' specification at page 5, lines 26-30. The growth factor domain is essential for the utility of the recited species (specification at page 5, lines 31-34; page 6, lines 16-21). Because unity of invention exists, it would be improper for the Office to refuse to examine that which Applicants regard as their invention.

If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6673.

Respectfully Submitted,



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Enclosures:

Appendix
Amendment Fee Transmittal (in duplicate)
Postcard

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Appendix

13. (amended) A method of enhancing proliferation or survival of kidney tubule epithelial cells or epithelial cell precursors in a mammal, comprising administering to the mammal a composition comprising a therapeutically effective amount of a zveg4 protein [or zveg4 protein-encoding polynucleotide], in combination with a pharmaceutically acceptable delivery vehicle, wherein the zveg4 protein is a disulfide-bonded dimer of two polypeptide chains, each of said chains consisting of residues x - y of SEQ ID NO:2, inclusive, wherein the protein is optionally glycosylated, and wherein:

x is selected from the group consisting of 16, 17, 18, 19, 20, 21, 22, 24, 25, 35, 52, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 246, 250, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, and 263; and

y is selected from the group consisting of 365, 366, 367, 368, 369, and 370.